

Practical advice

- While marriage contracts may not seem to comply with our romantic notions of marriage they can avoid legal difficulties in the future.
- Consult your lawyer about the advantages or issues that different marital regimes raise.
- Do not let anyone force you to sign a marriage contract
- Do what you feel it is right for your property and your life; do not allow your rights to be violated.
- If you are unable to sign the contract yourself you may authorize a representative to complete it on your behalf.



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The Family Code of Albania

HOW TO CONCLUDE A MARRIAGE CONTRACT?



Purpose of a marriage contract

A marriage contract is entered into by the spouses in order to determine property ownership and their contribution to marriage obligations.



When is a marital contract concluded?

Marriage contracts may be concluded either before the marriage is solemnized or during the continuation of a marriage. In the latter case, spouses may enter into the contract in order to change their previous property regime.

Spouses who married before the new Family Code entered into force may also change their community property status by entering into a marriage contract.

Procedure for entering a marriage contract

A marriage contract is concluded through a notary act, with the consensual agreement of the spouses or their representatives.

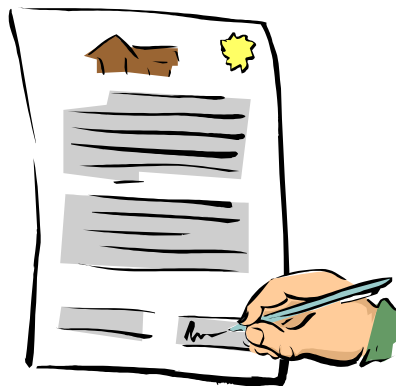
The public notary issues a notary certificate to the parties, confirming the identity of the parties, their future marital address, and the date of the endorsement of the contract.

Recording the contract

A prenuptial contract is deposited at the civil registry office and is reflected in the marriage act (certificate).

Similarly, any later amendments to the contract are deposited at the register where the act of marriage is recorded.

Whenever a marriage contract contains provisions that effect a business enterprise, it must also be registered with the commercial registry.



Contract limitations

- Persons who marry before they reach 18 years of age cannot enter a marriage contract until they reach the age of majority
- Spouses may not change their property regime until two years have elapsed since the implementation of the previous regime. The purpose of this provision is to ensure stability in property relations among spouses.
- Spouses may not enter into provisions in their marriage contract that are in violation of the Family Code or any other legislation in force, nor can they avoid their rights or obligations arising from marriage or their parental responsibility